

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RENARD MONTEZ AUSTIN
and URSULA COOK,

Plaintiffs,

Civil Action No. 20-12938
Hon. Mark A. Goldsmith

v.

OFFICER MICHAEL MOSLEY in his
Individual and Representative Capacity,
the CITY OF DETROIT, a Municipal entity,
and DETROIT POLICE DEPARTMENT, a
Municipal entity,

Defendants.

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MOTION TO WITHDRAW AS COUNSEL ON BEHALF OF
DEFENDANT, MICHAEL MOSLEY

NOW COMES RUTLEDGE, MANION, RABAUT, TERRY & THOMAS, P.C., Attorneys for Defendant, **MICHAEL MOSLEY**, and as its Motion to Withdraw as Counsel, states unto this Honorable Court as follows:

1. The undersigned counsel certifies that she communicated in writing with opposing counsel, explaining the nature of the relief to be sought by way of this motion and seeking concurrence in the relief; opposing counsel thereafter expressly denied concurrence.

2. On June 23, 2021, the law firm of Rutledge, Manion, Rabaut, Terry & Thomas, P.C., was retained by the City of Detroit to represent Defendant, Michael Mosley (“Mosley”), in this litigation.

3. The retention was conditionally agreed to by the City of Detroit pending a determination whether the City of Detroit is required to provide representation and indemnification to Mosley.

4. Upon information, Detroit City Council denied Mosley’s request for representation and indemnification.

5. Irrespective of that denial, at the time of the subject events, Mosley was a member of the Detroit Police Officers Association (“DPOA”).

6. The collective bargaining agreement between the DPOA and the City of Detroit provides Mosley with the right to contest a denial of representation and indemnification, through arbitration.

7. The DPOA has advised that they will not arbitrate this matter, thus making City Council's denial of representation and indemnification final.

8. For that reason, on May 6, 2022, Deputy Corporation Counsel for the City of Detroit directed defense counsel of record for Mosley to withdraw. **(Exhibit A)**

9. Since May 6, 2022, defense counsel of record has vigorously attempted to contact Mosley to discuss the City of Detroit's direction, including whether Mosley will elect to personally retain the law firm of Rutledge, Manion, Rabaut, Terry & Thomas, P.C., to continue to defend him in this action.¹

10. As of the date this motion is filed, Mosley has not responded.

11. For these reasons, Rutledge, Manion, Rabaut, Terry, & Thomas, P.C., including Dora A. Brantley, seeks to withdraw as counsel for Mosley pursuant to LR 83.25.

12. LR 83.25 permits an attorney to withdraw from an action only by Order of the court.

¹ Mosley is an inmate at Big Sandy USP. For that reason, efforts to contact Mosely have been limited to telephoning Mosley's counselor, Robbie Frisby, email directed to Mosley, and first-class mail directed to Mosley.

13. Withdrawal is appropriate because continued representation of Mosley will result in an unreasonable financial burden upon defense counsel of record, and further, particularly in this case where Mosley is the target defendant, defense counsel is unable to effectively represent Mosley without communication with/from him.

14. There is good cause for the withdrawal. MRPC 1.16(b)(6).

15. For these reasons, the request for withdrawal should be granted.

16. As evidenced by the Proof of Service, a copy of this Motion is being served upon Michael Mosley via First Class Mail.

WHEREFORE Movant respectfully requests that this Honorable Court enter an Order allowing the withdrawal of the law firm of Rutledge, Manion, Rabaut, Terry & Thomas, P.C., including Dora A. Brantley, as attorneys for Defendant, Michael Mosley.

Respectfully submitted,

**RUTLEDGE, MANION, RABAUT,
TERRY & THOMAS, P.C.**

By: /s/ Dora A. Brantley
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**BRIEF IN SUPPORT OF MOTION TO WITHDRAW AS
COUNSEL ON BEHALF OF DEFENDANT MICHAEL MOSLEY**

NOW COMES RUTLEDGE, MANION, RABAUT, TERRY & THOMAS, P.C., Attorneys for Defendant, **MICHAEL MOSLEY**, and in support of its Motion to Withdraw as Counsel, hereby relies upon LR 83.25 and MRPC 1.16(b)(6).

WHEREFORE Movant respectfully requests that this Honorable Court enter an Order allowing the withdrawal of the law firm of Rutledge, Manion, Rabaut, Terry & Thomas, P.C., including Dora A. Brantley, as attorneys for Defendant, Michael Mosley.

Respectfully submitted,

**RUTLEDGE, MANION, RABAUT,
TERRY & THOMAS, P.C.**

By: /s/ Dora A. Brantley
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LOCAL RULE CERTIFICATION

I, Dora A. Brantley, certify that this document complies with Local Rule 5.1(a), including double-spaced (except for quoted materials and footnotes); at least one-inch margins on the top, sides and bottom; consecutive page numbering; and type size of all text and footnotes that is no smaller than 10-1/2 characters per inch (for non-proportional fonts) or 14 point (for proportional fonts). I also certify that it is the appropriate length. Local Rule 7.1(d)(3).

/s/ Dora A. Brantley

DORA A. BRANTLEY (P49088)

Attorney for Defendant, Michael Mosley

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Detroit, MI 48207

dbrantley@rmrtt.com

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was served upon counsel of record via the CM/ECF e-filing system on June 3, 2022, and a copy of the foregoing document was also mailed to:

Michael Mosley # 57779-039
USP Big Sandy
U.S. Penitentiary
Satellite Camp
P.O. Box 2068
Inez, KY 41224

/s/ Dora A. Brantley

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